

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

LARRY ANTHONY BOOKER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:20cv00011
)	
CITY OF LYNCHBURG, et al.,)	
)	
Defendants.)	

DEFENDANTS' OBJECTIONS TO REPORT AND RECOMMENDATION

Defendants Police Officer #1 Luke Schartiger, Police Officer #2 Jonathan Bragg, and Police Officer #3 Nathan R. Godsie, by counsel, pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, submit the following objections to the Magistrate Judge's Report and Recommendation issued November 12, 2020 (ECF No. 38):

1. With respect to the proposed amended claims against the City of Lynchburg, and for the reasons stated in the Defendants' Memorandum in Opposition to Plaintiff's Motion for Leave to Amend (ECF No. 27), which is incorporated herein by reference:

a. Defendants object to the Magistrate Judge's recommendation to grant leave for the Plaintiff to amend the Complaint to include a claim for unconstitutional policy or custom of excessive force (Counts I and VII);

b. Defendants object to the Magistrate Judge's recommendation to grant leave for the Plaintiff to amend the Complaint to include a claim for condonation (Count V); and

c. Defendants object to the Magistrate Judge's recommendation to grant leave for the Plaintiff to amend the Complaint to include a claim for failure to train (Count VI).

2. Defendants do not object to the remaining findings and recommendations by the Magistrate Judge.¹

WHEREFORE, Defendants Police Officer #1 Luke Schartiger, Police Officer #2 Jonathan Bragg, and Police Officer #3 Nathan R. Godsie respectfully request that the Court deny Plaintiff's motion for leave to amend the Complaint for the reasons stated in their Memorandum in Opposition to Plaintiff's Motion for Leave to Amend.

POLICE OFFICER #1 LUKE SCHATIGER,
POLICE OFFICER #2 JONATHAN BRAGG, and
POLICE OFFICER #3 NATHAN R. GODSIE

By /s/ Julian F. Harf
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¹ Defendants expressly reserve their right to assert any and all available defenses in their responsive pleading(s), should the Plaintiff be granted leave to file any portion of the amended complaint.

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of November, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to:

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